

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

UNITED STATES OF AMERICA

v.

Case No. 2:17cr114

RICHARD ALLEN PATTERSON

**DEFENDANT RICHARD ALLEN PATTERSON'S BRIEF IN SUPPORT OF SUPPLEMENTAL MOTION  
FOR ONE ADDITIONAL REASONABLE CONTINUANCE OF THE SENTENCING**

COMES NOW the defendant, Richard Allen Patterson, by counsel, and as and for his Brief In Support Of Supplemental Motion For One Additional Reasonable Continuance Of The Sentencing, respectfully states as follows:

The defendant is currently scheduled for sentencing on Wednesday, November 7 2018 at 2:30 p.m.

The Court previously graciously granted the defendant a continuance of the originally scheduled sentencing, *inter alia*, to allow additional time for the parties to perfect the necessary procedural steps to allow the defendant's pending probation violation matters in the Suffolk Circuit Court to occur prior to the federal sentencing so as to allow the parties to fulfill that portion of the Plea Agreement at paragraph 5, p. 4, which states that "the United States agrees that it will recommend to the Court at sentencing that the sentence imposed in this case should be run concurrent with the sentences imposed on the defendant in Suffolk Circuit Court for his pending violation of probation..."

Although counsel for the Government has in good faith endeavored to assist in assuring the service of the pending probation violation charges on the defendant and his temporary delivery to state custody solely for purposes of conducting the probation violation hearing prior to the federal sentencing, and although defense counsel has supported those efforts, the parties have encountered an unexpected procedural issue.

More specifically, upon information and belief, there are new pending charges in the Suffolk Circuit Court filed against the defendant (apparently under seal) and the United States has expressed concern about obtaining a specific agreement or understanding with the state authorities that the defendant's state custody should end immediately after the probation violation hearing, so that the defendant will be returned directly to federal custody for his federal sentencing.

The undersigned defense counsel has been in touch with attorneys in the Suffolk Commonwealth's Attorney's Office regarding this issue and believes that the procedural question can be resolved satisfactorily to permit the defendant to appear by writ in the Suffolk Circuit Court for his probation violation matters and then to be returned to federal custody for the federal sentencing.

In order to resolve this unexpected but apparently resolvable procedural issue, defense counsel respectfully represents that he would need a brief additional continuance, not to exceed 30 days, in order to resolve the procedural matter, conduct the state probation hearing, and perfect the appropriate procedural posture to accomplish the probation violation hearing and then the federal sentencing, which ultimately allows the above-referenced portion of the Plea Agreement to be articulated at the federal sentencing.

Counsel for the defendant has discussed this Supplemental Motion with the attorney for the United States and the reasons therefor, and the United States does not object to the requested continuance for the reasons stated.

#### **CONCLUSION**

The defendant respectfully submits that he has demonstrated good cause for one additional brief reasonable continuance not to exceed 30 days for the reasons stated in the interests of justice and respectfully so moves.

RICHARD ALLEN PATTERSON

By: \_\_\_\_\_/s/\_\_\_\_\_

Of counsel

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of October, 2018, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to:

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\_\_\_\_\_  
/s/

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